

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10

Applicants : David A. Holcomb et al.
Application No. : 09/839,027
Filed : April 19, 2001
For : HAND-HELD FOOD PROCESSOR

Examiner : Waymond D. Bray
Art Unit : 3725
Docket No. : 200017.432
Date : November 21, 2003

Commissioner for Patents
Attention Tom Hawkins
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE

Commissioner for Patents:

The above-referenced application became abandoned for failure to timely and properly reply to a Notice of Allowance mailed June 30, 2003, as shown in the USPTO PAIR system.

Applicants failed to respond to the Notice because the original Form PTOL-85 Notice of Allowance and Issue Fee Due was never received. A search of the file jacket and docket records show no indication that the Notice was received. Applicants hereby provide the following information to satisfy the requirements as specified by the USPTO regarding a grantable petition under 37 CFR § 1.137(a).

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OFFICE OF PETITIONS

The following are the procedures at Seed Intellectual Property Law Group PLLC for processing mail and docketing USPTO due dates:

- a. Mail is received in the office; all USPTO correspondence is sent directly to the docketing department;
- b. Docketing personnel make an independent review of the documents and produce an independent calculation of due dates (without the use of a computer);
- c. Docketing personnel enter the base date (date mailed from USPTO) into our Computer Packages Inc. (CPI) database and select the appropriate template from the CPI system with the required date calculations programmed for each template;
- d. Docketing personnel compare the independent calculation date with the CPI-generated date for accuracy;
- e. Docketing personnel forward a copy of the "print screen" with all due dates listed, along with the USPTO correspondence, to the assigned legal assistant;
- f. The legal assistant reviews the docketing department's due date and enters the Action onto the legal assistant's desk calendar;
- g. The legal assistant enters the USPTO correspondence into the appropriate file and updates the file index, listing the date the correspondence was mailed from the USPTO and the date a response is due.

Enclosed are copies of records from our docketing department showing all actions/reminders for US matters entered into CPI with a base date of June 30, 2003, as well as a copy of records showing all actions for US matters with a due date of September 30, 2003, the due date of the Notice of Allowance in the instant case. We have redacted the serial numbers, filing dates and titles of the various matters in the attached docket reports. This was done in the interest of protecting client confidentiality, and in accord with the requirements of the U.S. Patent Office's own ethical canons. We identify our matters by an attorney docket number.

The subject application (U.S. Serial No. 09/839,027) is identified by attorney docket number 200017.432, as indicated in our previous correspondence with the Patent Office. This number does not appear on the docket reports for the days in question.

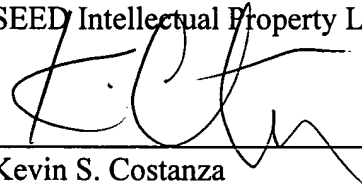
Also enclosed are a copy of the file index showing all correspondence to and from the USPTO for this matter and a copy of the legal assistant's desk calendar showing all actions due for the period September 29, 2003, through October 1, 2003, inclusive.

After a thorough review of our docketing department's records, the legal assistant's desk calendar, the file, and the file index, I believe that the Notice of Allowance mailed June 30, 2003, was not received in our office at any time.

Based upon these findings, I hereby request that this file be withdrawn from abandonment and a new Action be issued.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Kevin S. Costanza
Registration No. 37,801

KSC:ljs

Enclosures:

Postcard

CPI docketing records with a base date of June 30, 2003

CPI docketing records with a due date of September 30, 2003

Copy of legal assistant's desk calendar for September 29, 2003, through October 1, 2003

Copy of file index

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

404378_1

CaseNumber	Title	Status	AppNumber	FileDate	BaseDate	ActionType	ActionDue	DueDate
210121-455C2	[REDACTED]	Allowed	[REDACTED]	[REDACTED]	6/30/2003	US-Exam Amendment OK?	Inextensible w/o Petition	9/30/2003
210121-455C5	[REDACTED]	Allowed	[REDACTED]	[REDACTED]	6/30/2003	US-Exam Amendment OK?	Inextensible w/o Petition	9/30/2003
660115-418	[REDACTED]	Published	[REDACTED]	[REDACTED]	6/30/2003	US-3 Month Office Action	Month 3 of 6 due date	9/30/2003
660115-418	[REDACTED]	Published	[REDACTED]	[REDACTED]	6/30/2003	US-3 Month Office Action	1st Extension/Mon th 4 of 6	10/30/2003

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11/21/2003

_nb_Patent Status Query with Due Dates

CaseNumber	Title	Status	AppNumber	FilDate	BaseDate	ActionType	ActionDue	DueDate
660115-418	[REDACTED]	Published	[REDACTED]	[REDACTED]	6/30/2003	US-3 Month Office Action	2nd Extension/Month 5 of 6	11/30/2003
851763-438	[REDACTED]	Pending	[REDACTED]	[REDACTED]	6/30/2003	Information Disclosure Statement	IDS	11/30/2003
859063-514USPC	[REDACTED]	Pending	[REDACTED]	[REDACTED]	6/30/2003	Information Disclosure Statement	IDS	11/30/2003
660115-418	[REDACTED]	Published	[REDACTED]	[REDACTED]	6/30/2003	US-3 Month Office Action	6 Month Final	12/30/2003

CaseNumber	Title	Status	AppINumber	FileDate	BaseDate	ActionType	ActionDue	DueDate
930114-422	[REDACTED]	Pending	[REDACTED]	[REDACTED]	6/30/2003	Notice of Abandonment	Reinstatement Due	6/30/2004

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11/21/2003

_nb_Patent Status Query with Due Dates

CaseNumber	Title	Status	AppINumber	FileDate	ActionType	ActionDue	DueDate
210121-455C2	[REDACTED]	Allowed	[REDACTED]	[REDACTED]	US-Exam Amendment OK?	Inextensible w/o Petition	9/30/2003
210121-455C5	[REDACTED]	Allowed	[REDACTED]	[REDACTED]	US-Exam Amendment OK?	Inextensible w/o Petition	9/30/2003
310121-409	[REDACTED]	Unfiled			Miscellaneous	Final ROI Due	9/30/2003
310121-410	[REDACTED]	Unfiled			Miscellaneous	Final ROI Due	9/30/2003

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CaseNumber	Title	Status	AppNumber	FileDate	ActionType	ActionDue	DueDate
660023-406	[REDACTED]	Pending	[REDACTED]	[REDACTED]	US-Final Office Action	Final Rejection/1st Extension/Month 4 of 6	9/30/2003
660088-465	[REDACTED]	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	2 month + mailing/Response due	9/30/2003
660115-418	[REDACTED]	Published	[REDACTED]	[REDACTED]	US-3 Month Office Action	Month 3 of 6 due date	9/30/2003
810088-401	[REDACTED]	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	2 month + mailing/Response due	9/30/2003

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CaseNumber	Title	Status	AppNumber	FileDate	ActionType	ActionDue	DueDate
850063-553C2	[REDACTED]	Published	[REDACTED]	[REDACTED]	US-Final Office Action	Final Rejection/1st Extension/Month 4 of 6	9/30/2003
856063-575C1	[REDACTED]	Published	[REDACTED]	[REDACTED]	Notice of Abandonment	File Petition to Revive	9/30/2003
856063-691	[REDACTED]	Published	[REDACTED]	[REDACTED]	US-3 Month Office Action	1st Extension/Month 4 of 6	9/30/2003

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from **SEPTEMBER 29**

WEEK 40

September 2003

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MONDAY SEPT 29 272/93	TUESDAY SEPT 30 273/92	WEDNESDAY OCT 1 274/91
7	7 810104.210 Filed 6/18/03 RESPONSE 1 mth. advance	7 100024.668 Filed 6/18/03 Issue fee (Due)
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8	8 810104.211 Filed 7/29/03 RESPONSE 1 mth. advance	8
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10	10 Received 2nd settlement payment \$5,000	10
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12	12 Filed 9/20/03 830091.801 Oppose of EOT to Oppose (Due)	12
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PATENT APPLICATION INDEX

Docket No.: 200017.432
Inventors: David A. Holcomb and Joshua R. Stewart
Invention Title: HAND-HELD FOOD PROCESSOR
U.S. Filing Date: April 19, 2001
U.S. Application No.: 09/839,027
Examiner: Waymond D. Bray Phone No.: (703) 308-1871
Art Unit: 3725
File History:
Small Entity: YES
Assigned To: ChefN Corporation, recorded on April 19, 2001, at Reel 011743, Frame 0326

	Document	Date Filed with PTO	Date Mailed from PTO	Due Date
1.	U.S. Utility Patent Application	4/19/01		
2.	FILING RECEIPT		6/13/01	
3.	Recordation of Assignment		7/16/01	
4.	IDS	9/7/01		
5.	Supplemental IDS (From PCT Search Report)	9/12/02		
6.	Restriction Requirement		9/30/02	10/30/02
7.	Response to Restriction Requirement	10/30/02		
8.	Notice of Publication of Application		10/24/02	
9.	Office Action		3/20/03	6/20/03
10.	Telephone Memo: Conversation with Examiner re: PTO-1449	3/25/03		
11.	Amendment	6/13/03		
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Approved for use through 10/31/2002. OMB 0651-0031

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**(To be used for all correspondence
after initial filing)

Application Number	09/839,027
Filing Date	April 19, 2001
First Named Inventor	David A. Holcomb
Group Art Unit	3725
Examiner Name	Waymond D. Bray
Attorney Docket No.	200017.432

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
☐ Fee Attached
☐ Amendment/Response
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement; Form PTO-1449
☐ Cited References
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
☐ Response to Missing Parts/Incomplete Application

- ☐ Drawing(s)
☐ Request for Corrected Filing Receipt
☐ Licensing-related Papers
☒ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation, Change of Correspondence Address
☐ Declaration
☐ Statement under 37 CFR 3.73(b)
☐ Terminal Disclaimer
☐ Request for Refund

- ☐ CD(s), Number of CD(s)
☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Return Receipt Postcard
☒ Additional Enclosure(s) (please identify below):

Docketing records with base date of June 30, 2003; Docketing records with due date of September 30, 2003; Copy of legal assistant's desk calendar; Copy of file index

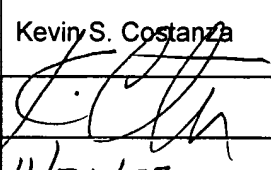
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TECHNOLOGY CENTER R3700

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Kevir S. Costanza	Customer Number	00500
Signature			
Date	11/21/03		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date specified below.

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Signature		Date:

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